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Class Counsel and

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*[Additional counsel appear on signature page]*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Clarke and Rebecca Wixon, Norman  
and Barbara Wixon, and Kandice Scattolon, on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

Wyndham Resort Development Corp. (f/k/a  
Trendwest Resorts, Inc.),

Defendant.

Case No. C 07-02361 JSW

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING SETTLEMENT  
DOCUMENTATION FILING DATE**

CLASS ACTION

Before: Hon. Jeffrey S. White

**STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING SETTLEMENT DOCUMENTATION FILING DATE**

CASE NO. C 07 2361 JSW (BZ)

On July 7, 2010, Plaintiffs Clarke and Rebecca Wixon, Norman and Barbara Wixon, and Kandice Scattolon (collectively, "Plaintiffs") and Defendant Wyndham Resort Development Corporation ("Wyndham") (Plaintiffs and Wyndham are referred to collectively as the "Parties") notified the Court that they had reached a settlement in principle of all claims asserted by Plaintiffs, individually and on behalf of the class, against Wyndham and sought a stay of the litigation while they negotiated and prepared the settlement documentation. [Dkt. No. 501.] The Parties sought to have the settlement documentation finalized and presented to the Court by September 24, 2010. On that same date, the Court entered a stipulated order suspending pre-trial and trial deadlines, pending submission of formal settlement documentation to the Court. [Dkt. No. 502.]

Prior to and following the entry of the stipulated order, the Parties, through their counsel, exchanged draft settlement documents, exhaustively conferred with each other to resolve drafting concerns, discussed plans for providing notice to the class, and met with their respective clients and client representatives to discuss and resolve issues pertaining to the settlement and the documentation thereof and to obtain the necessary client approvals and authorizations by the September 24 deadline. Despite the Parties' substantial progress accomplished through diligent, good faith, and cooperative efforts to complete these tasks, the Parties were unable to finalize the settlement documentation and obtain the necessary client approvals by the September 24 deadline. Accordingly, the Parties sought [Dkt. No. 656], and the Court granted [Dkt. No. 657], an extension to file the settlement documentation by October 19, 2010.

Wyndham's counsel was out of the country for two weeks during the time extension. When counsel returned, the Parties assiduously resumed their efforts to finalize the settlement documentation and, as of this morning, are now very close to concluding their task. Despite their continuing best efforts, the Parties require an additional short, two-day time extension to finalize and file the settlement documents. Accordingly, the Parties agree to and hereby seek, subject to the Court's approval, a two-day extension of the date to submit the final settlement documentation to the Court, from October 19, 2010 to October 21, 2010.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: October 19, 2010

  
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Honorable Jeffrey S. White  
United States District Judge

1 Dated: October 18, 2010

Respectfully submitted,

2 **GIRARD GIBBS LLP**

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13 *Wixon, Norman and Barbara Wixon, and Kandice*  
14 *Scattolon*

1 Dated: October 18, 2010

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